

PATENT  
Serial No.: 09/940,805  
Docket #: 58880/278



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: STACHOWICZ ET AL.  
Serial No.: 09/940,805  
Filing Date: August 29, 2001  
Title: INTEGRATED DECORATOR COUPLER AND FOOD  
DECORATING ASSEMBLY  
Examiner: Weinstein, S.  
Art Unit: 1761

ASSISTANT COMMISSIONER  
FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION UNDER 37 CFR 1.132**

I, Howard Wurster Jr., hereby declare:

1. I obtained a B.S. Degree in Packaging Science from Rochester Institute of Technology in 1980. I have worked at Rich Products Corporation since then (26 years). In that time I have worked in the Corporate Packaging Purchasing and Packaging Structural design areas and I am currently Manager of Packaging Development in our Global Procurement Department.
2. I have reviewed the present application, of which I am a named inventor, including the claims. The claims are directed to an integrated coupler, *i.e.* a coupler that has a decorative non-circular opening designed to extrude filling in a decorative shape and that is attachable to a decorative tip that has an opening designed to extrude filling in another decorative shape. Therefore, the integrated coupler functions as both a non-

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circular decorative tip and as a coupler to which different decorative tips may be attached.

3. I have reviewed the Office Action of September 5, 2005 as well as the references cited therein. In the Office Action, the Examiner has rejected the claims primarily in light of U.S. Patent No. 6,153,238 to Shannon ("Shannon") in view of several secondary and tertiary references.

4. Shannon's coupler, like the other couplers in the cited references, shows a circular opening that is substantially larger than the opening of the attached decorative tip. Based on my experience in the culinary field and my knowledge of food decorating accessories, the purpose of such openings in the cited references is to provide a means for filling to flow easily – i.e., with minimal resistance – from a pastry bag through an attached decorative tip. In fact, the use of a non-circular opening would increase the amount of resistance created by the opening and thereby would run counter to the intended purpose of the couplers of Shannon and the other couplers in the cited references. Therefore, in my opinion, one skilled in the art would not be motivated to modify the large circular coupler opening described and illustrated in Shannon to the non-circular decorative opening of the claimed invention.

5. Further, in my opinion, there would not be a reasonable expectation of successfully making such a modification. In particular, one of ordinary skill in the art at the time of the invention would not have been sure whether one could use a non-circular opening on the coupler while successfully achieving opposing objectives, such as ease of extruding the filling and obtaining the desired decorative shape, such as a rosette formed from a decorative tip having dentate protrusions. Generally, the more intricate the decorative shape, the greater the resistance encountered.

6. The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true,

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and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title `8 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

April 24, 2006

Howard Wurster Jr.

Howard Wurster Jr.